

**US Army Corps  
Of Engineers**  
Wilmington District

# PUBLIC NOTICE

Issue Date: January 19, 2007  
Comment Deadline: February 16, 2007  
Corps Action ID #: 2006-41786-311

The Wilmington District, Corps of Engineers (Corps) has received an application from Versant Properties, LLC, represented by Mr. Robert L. Richey, seeking Department of the Army authorization to impact waters of the United States in order to facilitate the development of a residential development on a 397-acre property located outside of the town limits of Woodfin, Buncombe County, North Carolina. Under this proposal, the applicant would impact 0.406 acre of jurisdictional wetland and 1,253 linear feet of streams (0.11 acre) in the 397-acre project area.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at [www.saw.usace.army.mil/wetlands](http://www.saw.usace.army.mil/wetlands)

**Applicant:** Versant Properties, LLC  
Attention: Mr. Robert L. Richey  
P.O. Box 31882  
Charlotte, North Carolina 28231

**Agent:** Mr. Leonard S. Rindner  
3714 Spokeshave Lance  
Matthews, North Carolina 28105

## **Authority**

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act (33 U.S.C. 1344).

## **Location**

The subject property is located at the end of Baird Cove Road, off of Merrimon Avenue, outside of the town limits of Woodfin, Buncombe County, North Carolina at latitude 35 39 34.45 north and longitude 82 33 30.20 west.

## **Existing Site Conditions**

The majority of the site has been logged and is currently comprised of mixed pine/hardwood species. The natural communities range from seep/wetlands associated with intermittent and perennial streams, to pine-oak-hickory forest along ridges and slopes. The site is primarily

covered by pine-oak-hickory forest with low mountain alluvial forest and low elevation seeps along the streams. Elevations range from approximately 2,400 feet (along the main stream known as Baird Cove Creek), to 2,960 feet along the ridge tops. The topography is moderate to steep including most side slopes and valleys. The forest communities are successional with a mixed pine-hardwood canopy. Areas along lower steep slopes, north facing slopes, and along streams have a more natural community assemblage, although past logging has disturbed many of these smaller communities. The uplands on-site are primarily dry with steep topography. Species of pine (white, scrub, short-leaf, etc.), various oaks, and successional species dominate the majority of the upland areas.

The main stream that runs through the property, Baird Cove Creek, is a good quality perennial stream and is located in the Upper French Broad River watershed (06010105). It flows into Beaverdam Creek (Water Classification C), then into the French Broad River. The French Broad River flows into Douglas Lakes and becomes the Tennessee River after its union with the Holston River in Tennessee. The project area also includes the headwaters of small unnamed tributaries of Herron's Cove Creek (Water Classification C – Tr).

### **Applicant's Stated Purpose**

To develop a residential development.

### **Project Description**

The applicant proposes to impact 0.406 acre of jurisdictional wetland and approximately 1,253 linear feet of streams (0.11 acre) in the 397-acre project area in order to facilitate the construction of a residential development. This residential development would include single and multi-family residential units, a community center, and a park; this park would serve as the central amenity and would include paths, attendant structures, benches, and the construction of 3 on-line ponds (i.e., created by damming on-site streams).

Overall, the proposed impacts are as follows:

#### **Proposed Stream Impacts**

6 road crossings – 597 linear feet of perennial and intermittent streams (0.05 acre)

Dams – 60 linear feet of perennial stream (0.01 acre)

Flooding of a perennial stream – 596 linear feet (0.05 acre)

#### **Proposed Wetland Impacts**

Excavation – 0.098 acre

Flooding – 0.308 acre

As mitigation, the applicant proposes to provide an “in-lieu” payment to the North Carolina Ecosystem Enhancement Program (1,370 linear feet of cool stream and 0.50 acre of riparian wetland), preserve the remaining perennial stream and the remaining intermittent streams, and enhance certain degraded stream channel areas, to include the construction of grade control structures for those areas subject to headcutting and erosion, and the selective removal of invasive plant species and reestablishment of native species in riparian areas. .

A Nationwide Permit (NWP) (file number 200533060) was issued on December 1, 2005, that authorized 75 linear feet of stream impact for a driveway realignment into this site.

### **Other Required Authorizations**

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice combined with appropriate application fee at the North Carolina Division of Water Quality central office in Raleigh will constitute initial receipt of an application for a 401 Water Quality Certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by February 16, 2007.

### **Essential Fish Habitat**

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps’ initial determination is that the proposed project will not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

### **Cultural Resources**

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

## **Endangered Species**

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps is not aware of the presence of species listed as threatened or endangered or their critical habitat formally designated pursuant to the Endangered Species Act of 1973 (ESA) within the project area. A final determination on the effects of the proposed project will be made upon additional review of the project and completion of any necessary biological assessment and/or consultation with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.

## **Evaluation**

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit-which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

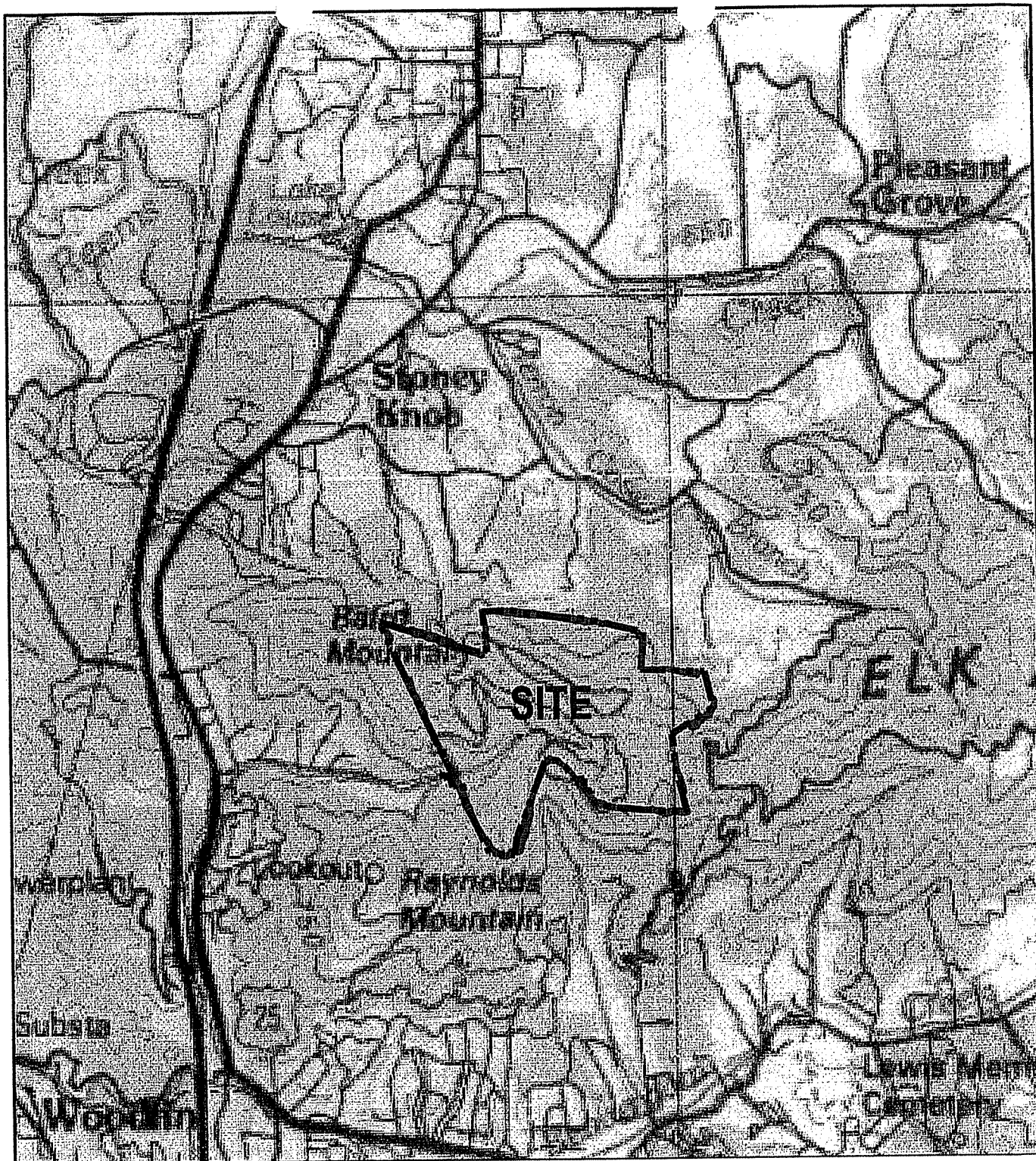
## **Commenting Information**

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be

granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, February 16, 2007. Comments should be submitted to Ms. Lori Beckwith, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina, 28801-5006.



Map center is approximately 35.65774°N, 82.54263°W ( WGS84/NAD83)  
Baird Cove quadrangle



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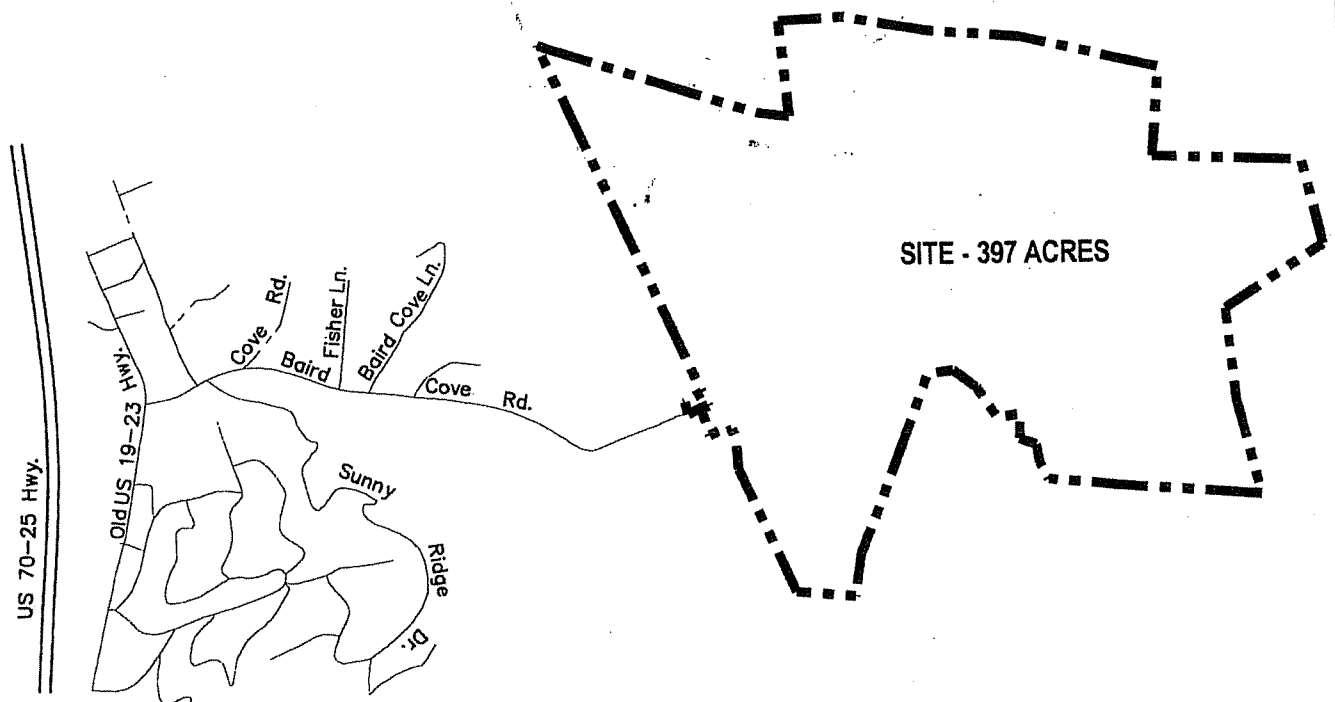
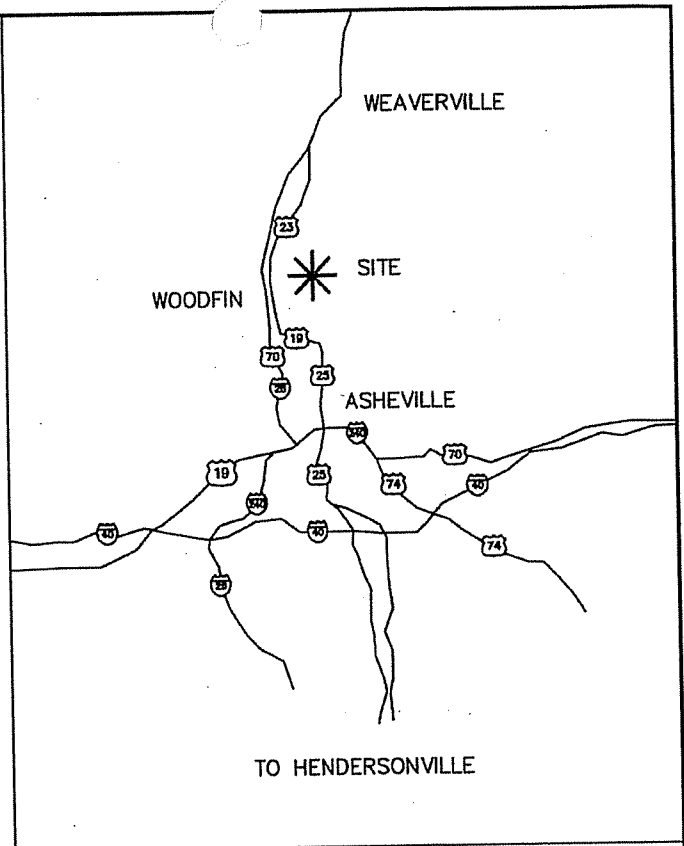
USGS MAP

VERSANT - WETLANDS EXHIBIT  
DEBARAN  
VERSANT PROPERTIES, INC.

#3011.00  
07.28.06

SCALE = NTS





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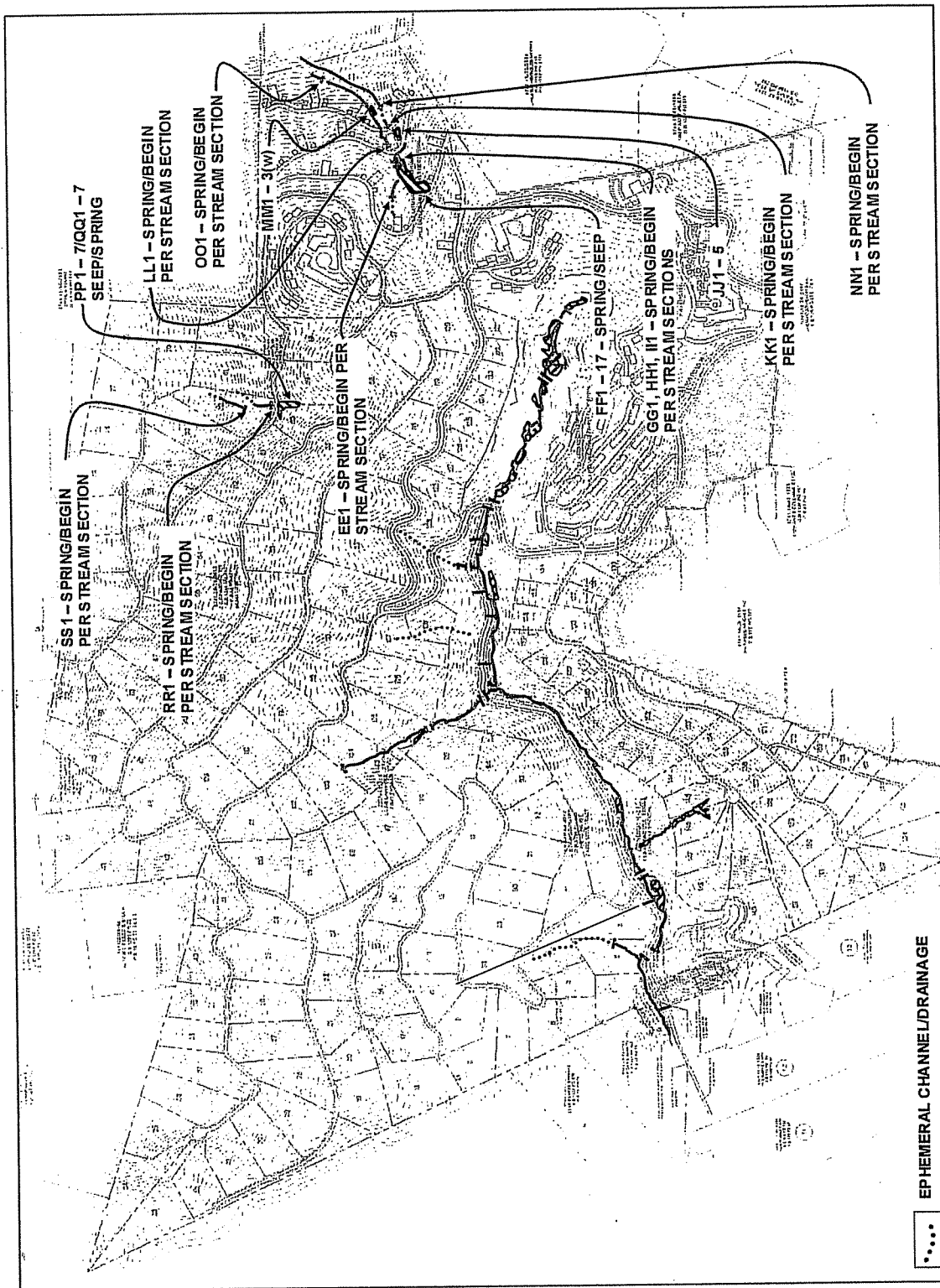
# VICINITY MAP

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#3011.00  
07.28.06

SCALE = NTS



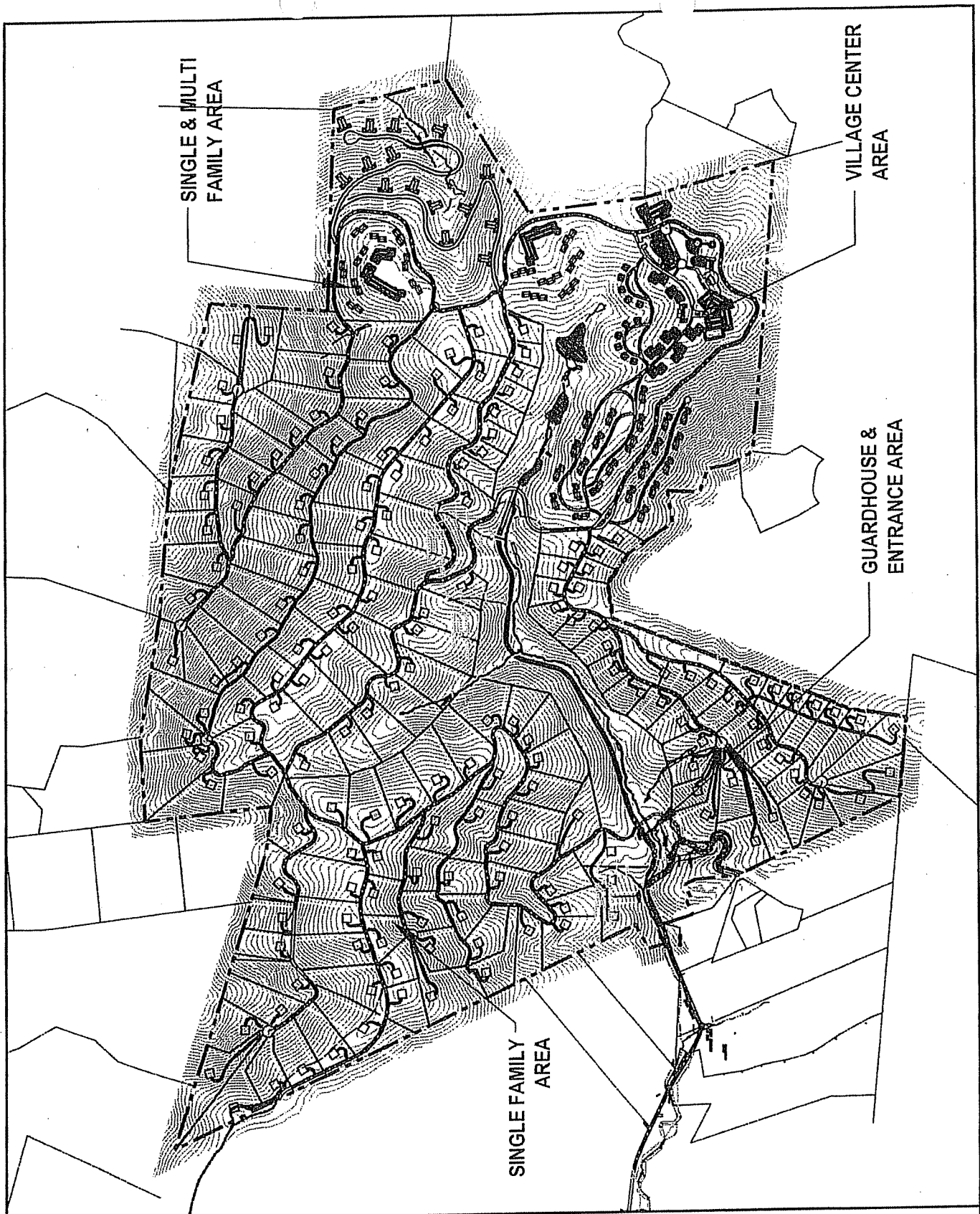


**APPROXIMATE MAP - WATERS OF THE U.S.**  
FOR SURVEY AND STUDY PURPOSES ONLY  
SUBJECT TO U.S.A.C.E. VERIFICATION

**BAIRD COVE - VERSANT SITE**

Updated 09/18/2006





SINGLE & MULTI  
FAMILY AREA

VILLAGE CENTER  
AREA

GUARDHOUSE &  
ENTRANCE AREA

SINGLE FAMILY  
AREA



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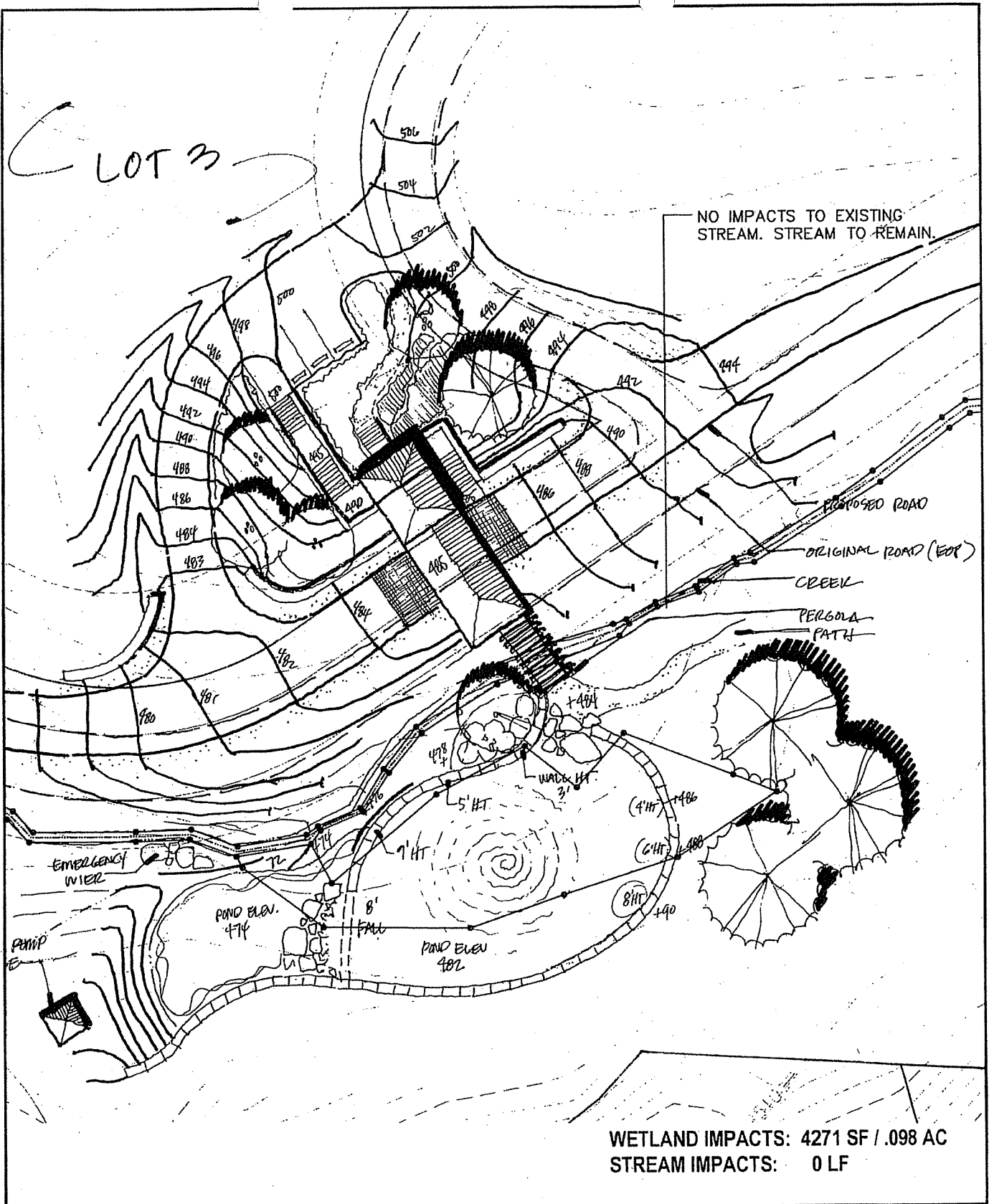
# SITE PLAN

VERSANT - WETLANDS EXHIBIT  
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VERSANT PROPERTIES, INC.

#3011.00  
11.17.06

SCALE = 1"=800'





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# SITE PLAN ENLARGEMENT - GUARDHOUSE AREA

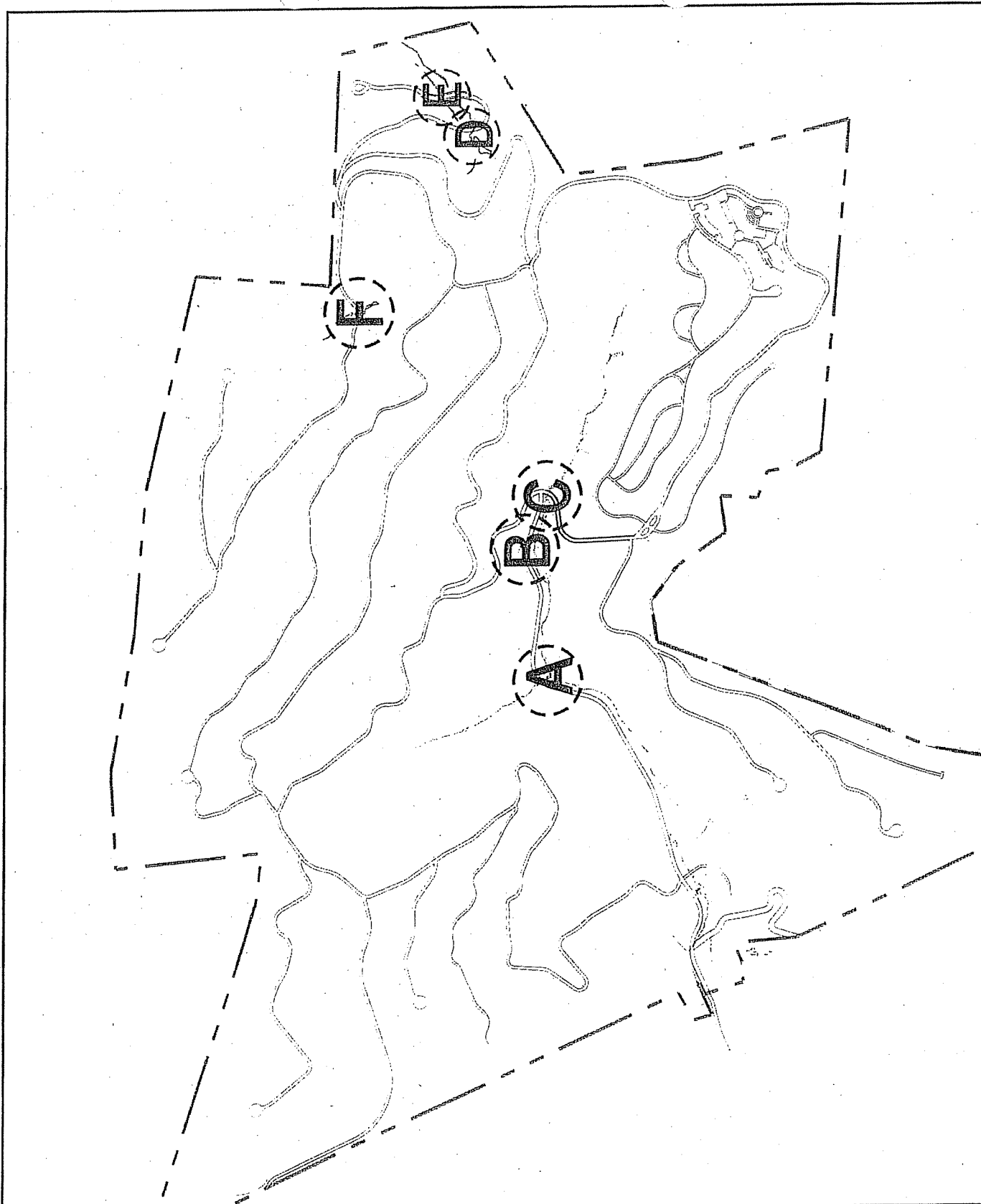
VERSANT - WETLANDS EXHIBIT  
DEBARAN  
VERSANT PROPERTIES, INC.

#3011.00  
07.28.06

SCALE = NTS



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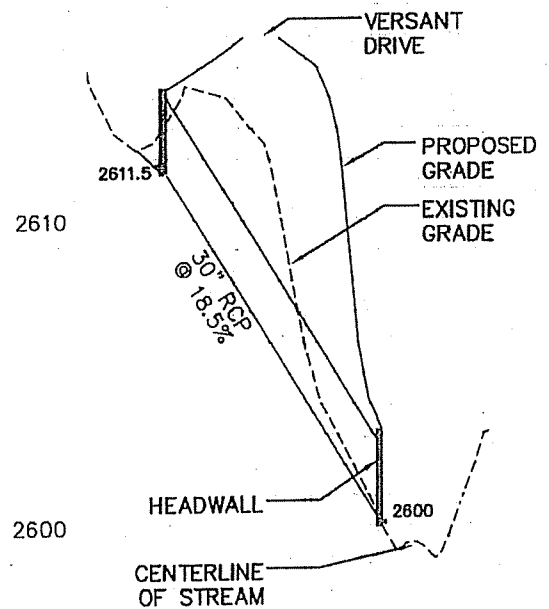
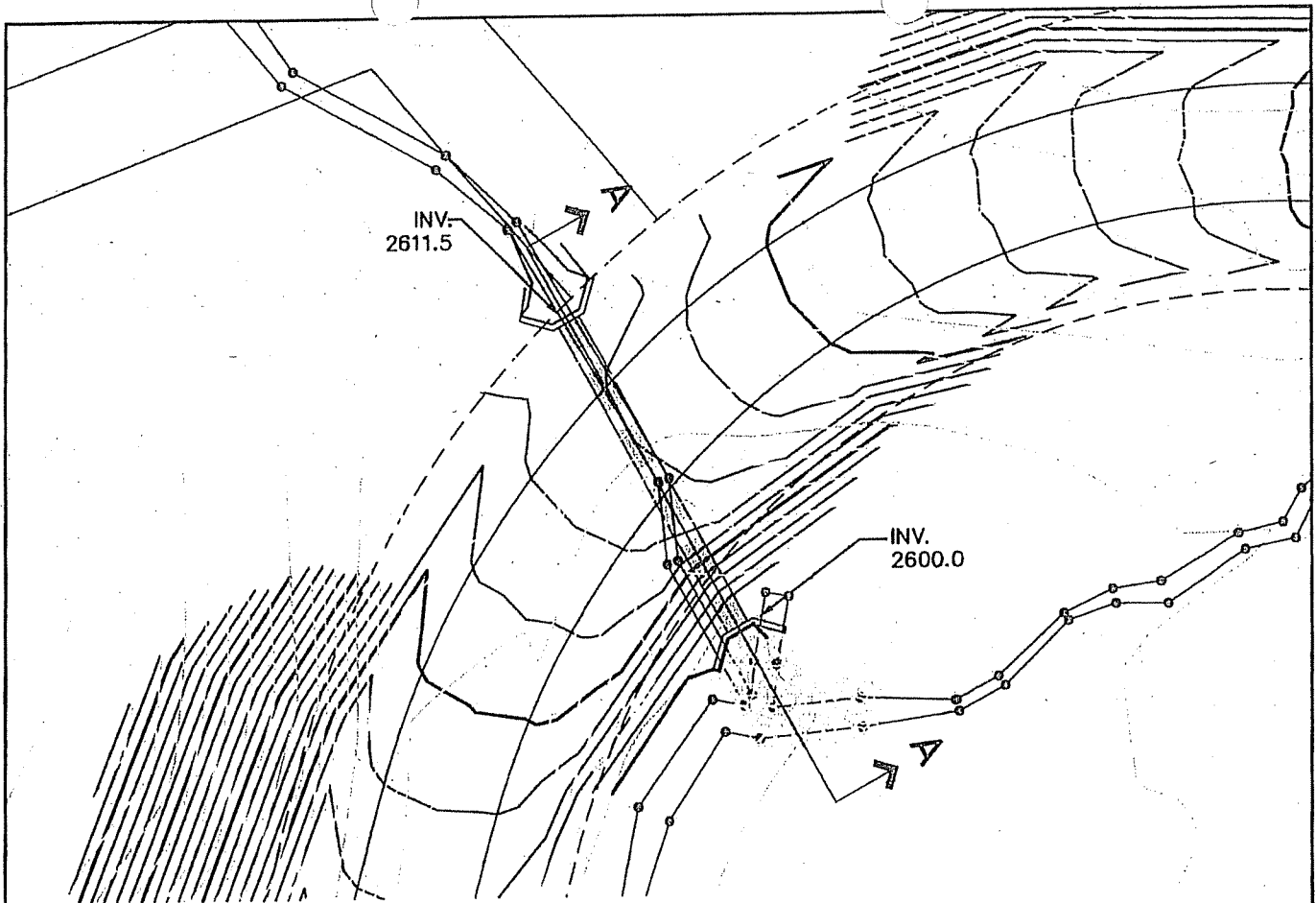
# ROAD CROSSING KEY

VERSANT - WETLANDS EXHIBIT  
DEBARAN  
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#3011.00  
07.28.06

SCALE = NTS





- 118 LF OF IMPACT TO WETLANDS

SECTION A - A  
SCALE: 1" = 60' HORZ.  
1" = 6' VERT.



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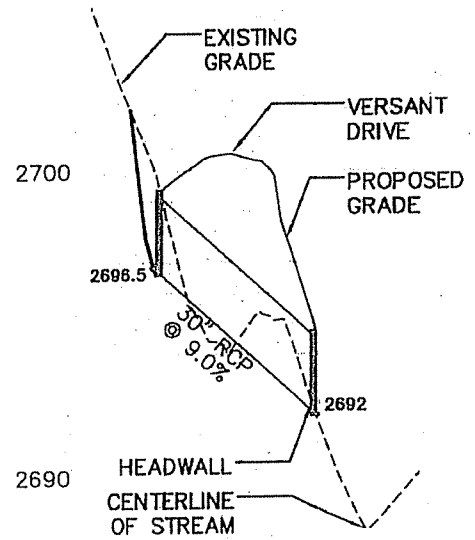
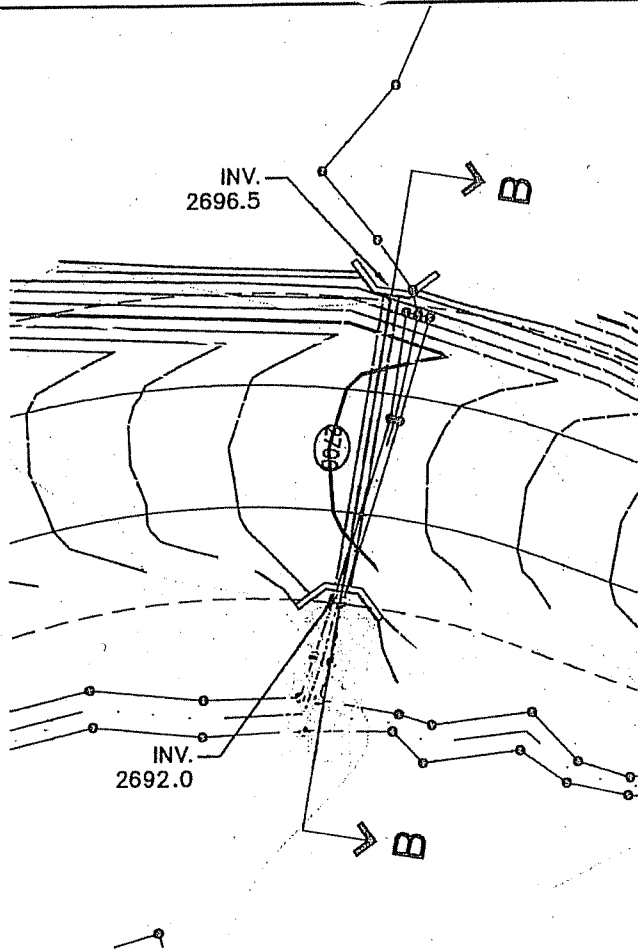
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ROAD CROSSING - SECTION 'A'  
VERSANT - WETLANDS EXHIBIT  
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SCALE = 1" = 30'



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- 98 LF OF IMPACT TO WETLANDS

**SECTION B - B**

SCALE: 1" = 60' HORZ.  
1" = 6' VERT.



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**ROAD CROSSING - SECTION 'B'**

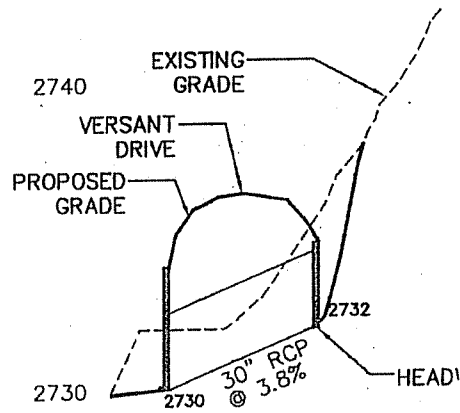
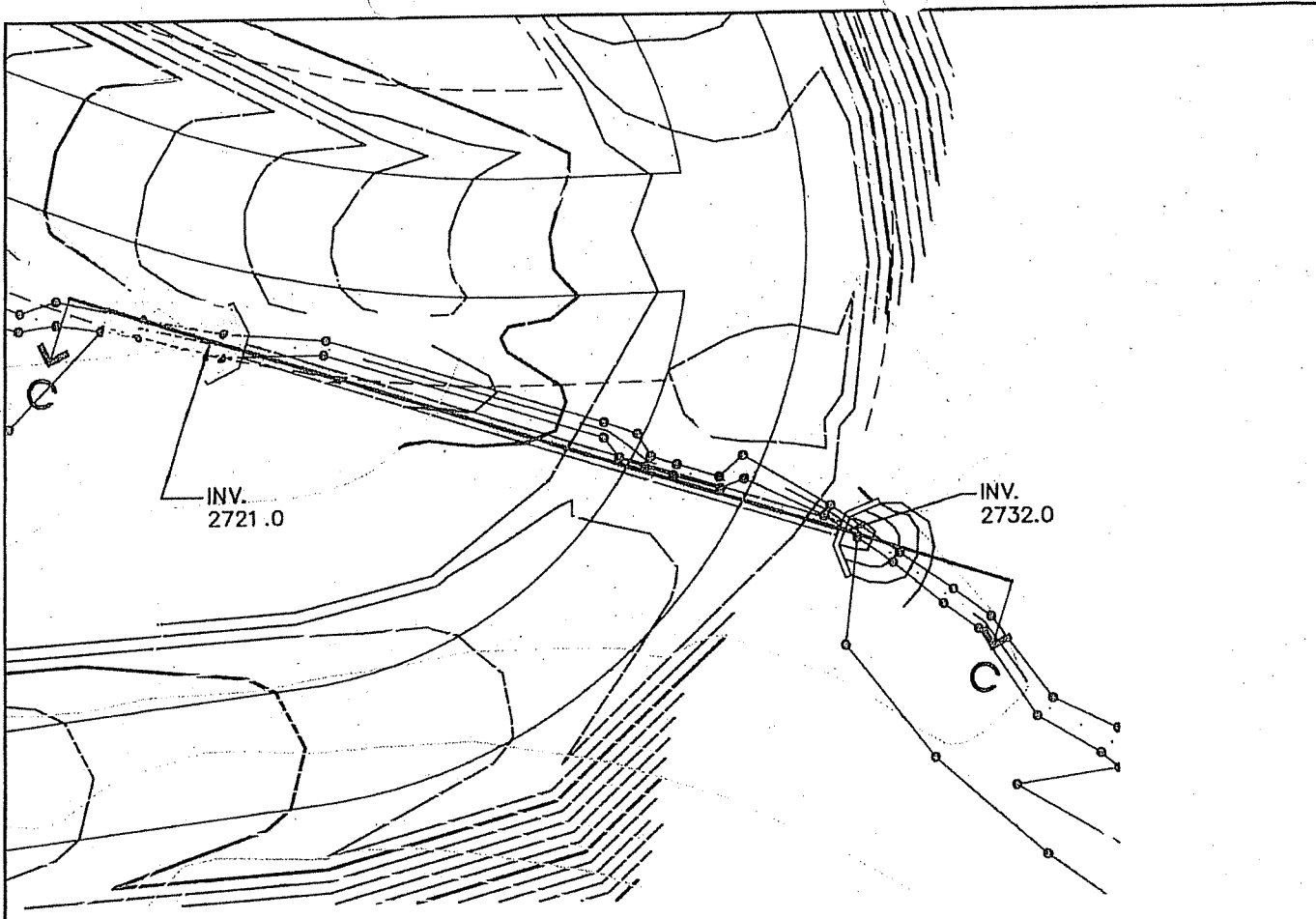
**VERSANT - WETLANDS EXHIBIT**  
**DEBARAN**  
**VERSANT PROPERTIES, INC.**

#3011.00

07.28.06

SCALE = 1" = 30'





- 160 LF OF IMPACT TO WETLANDS

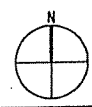
SECTION C - C  
SCALE: 1" = 60' HORZ.  
1" = 6' VERT.



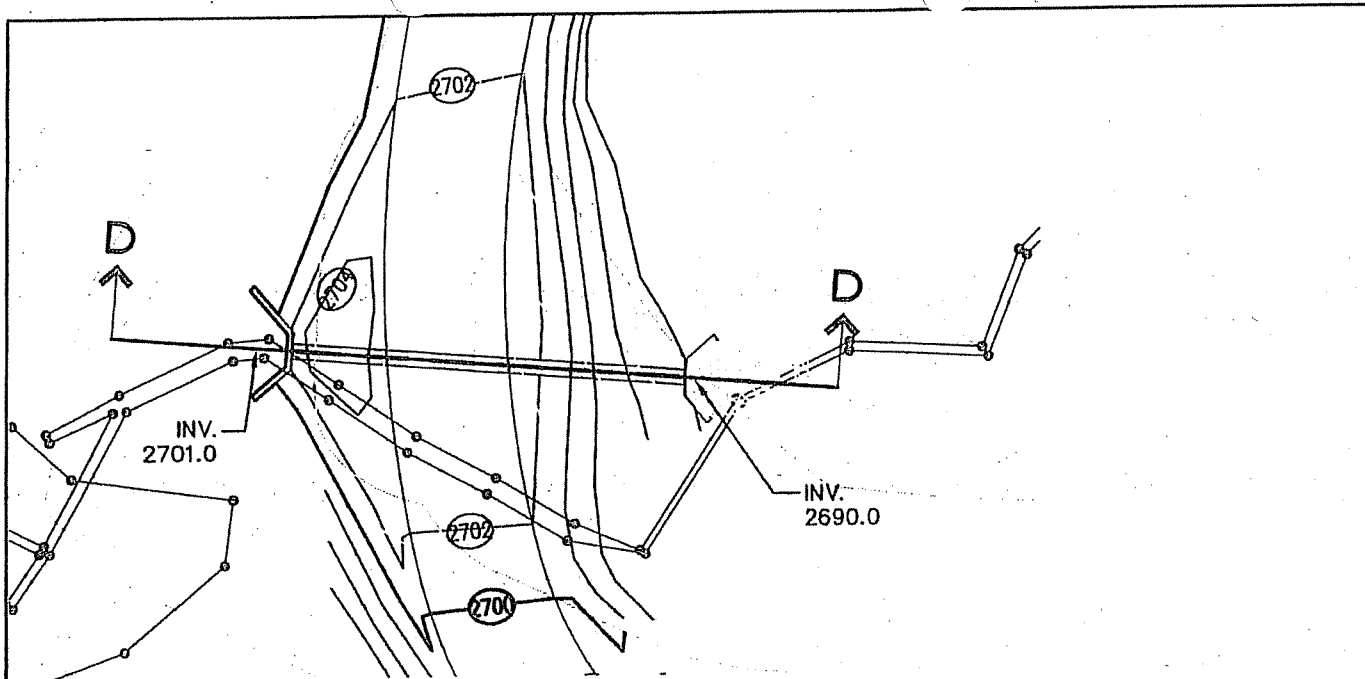
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Suite 1400 Charlotte, NC 28202  
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ROAD CROSSING - SECTION 'C'  
VERSANT - WETLANDS EXHIBIT  
DEBARAN  
VERSANT PROPERTIES, INC.

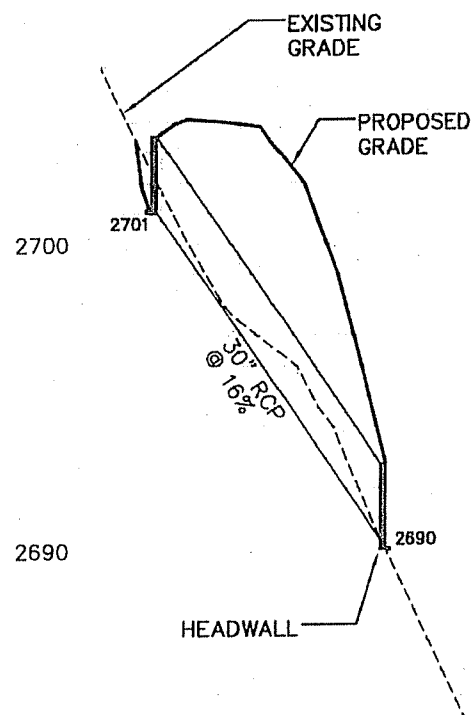
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07.28.06  
SCALE = 1" = 30'



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2710



- 130 LF OF IMPACT TO WETLANDS

SECTION D - D  
SCALE: 1" = 60' HORZ.  
1" = 6' VERT.



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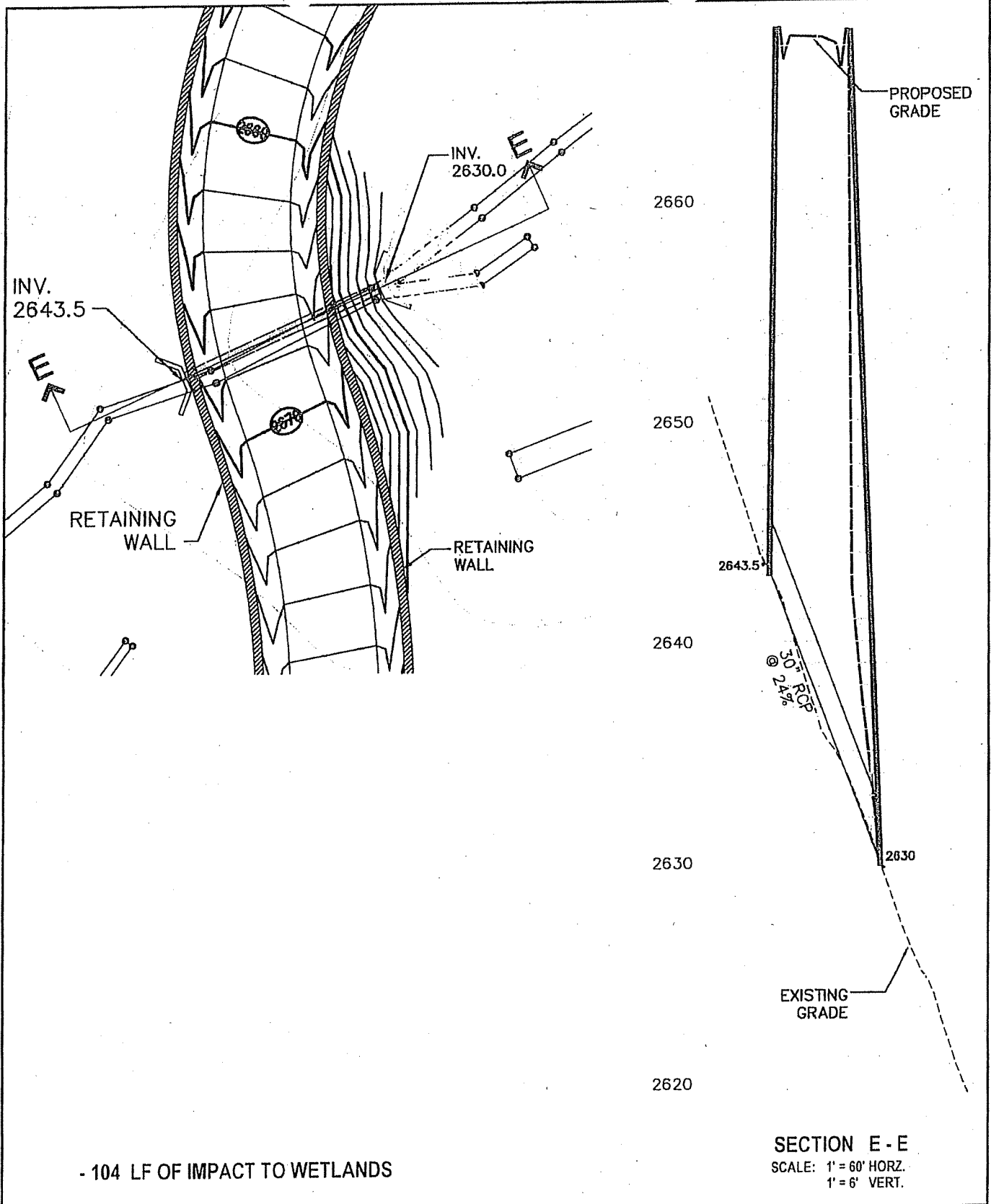
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ROAD CROSSING - SECTION 'D'  
VERSANT - WETLANDS EXHIBIT  
DEBARAN  
VERSANT PROPERTIES, INC.

#3011.00  
07.28.06  
SCALE = 1" = 30'



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ROAD CROSSING - SECTION 'E'

VERSANT - WETLANDS EXHIBIT

DEBARAN

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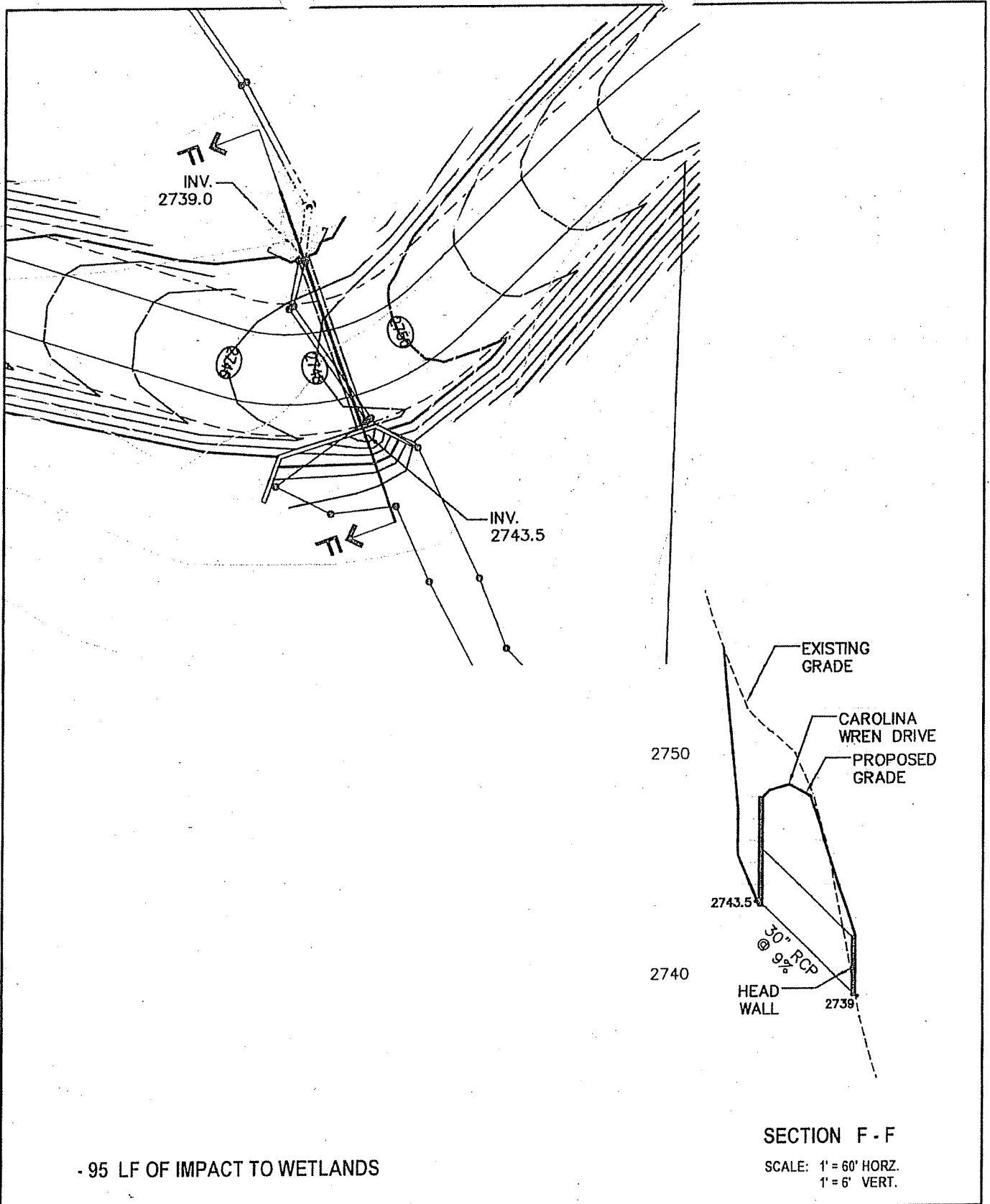
07.28.06

SCALE = 1" = 30'



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ROAD CROSSING - SECTION 'F'

VERSANT - WETLANDS EXHIBIT

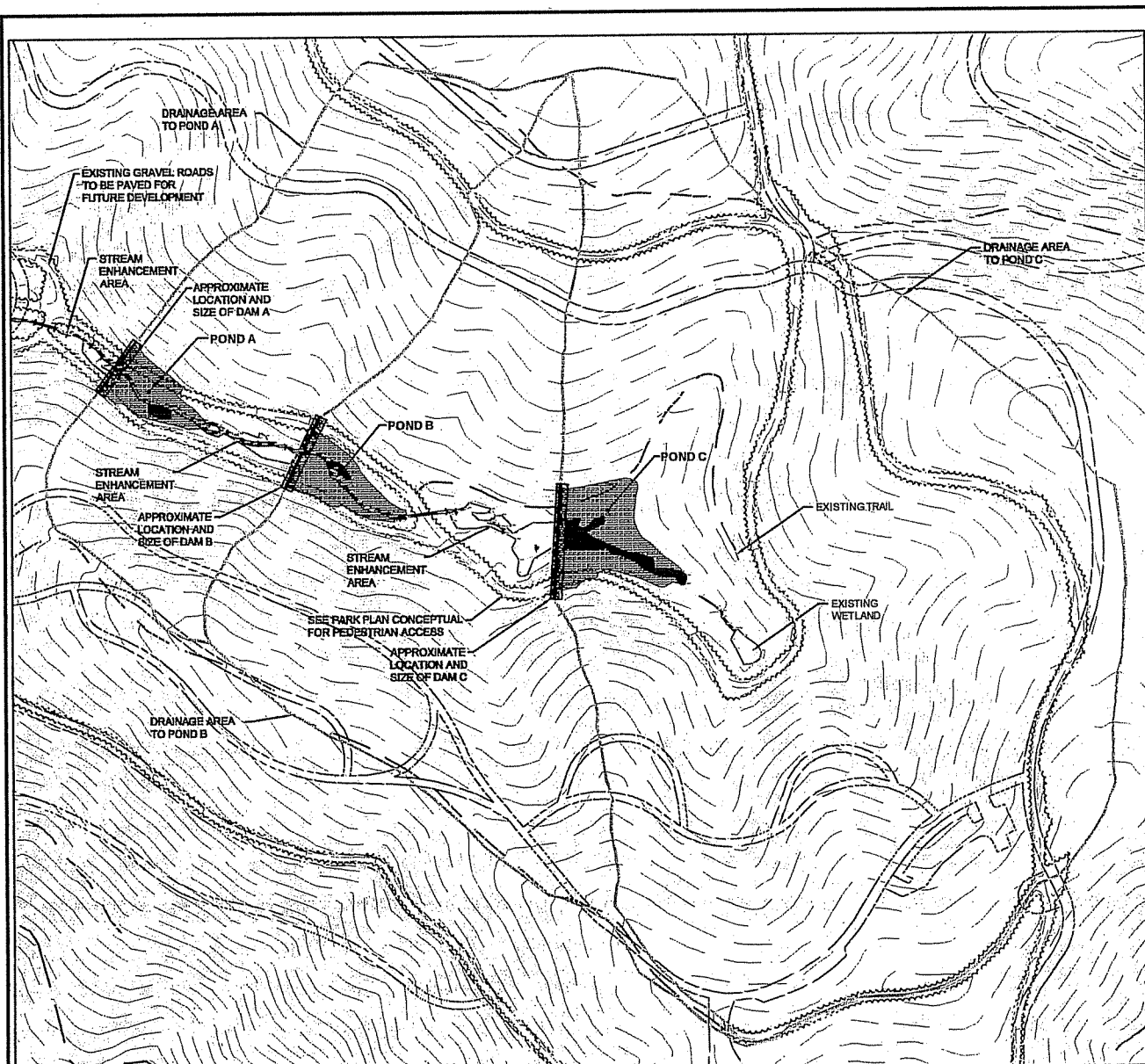
DEBARAN

VERSANT PROPERTIES, INC.

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07.28.06  
SCALE = 1" = 30'



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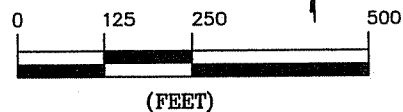
**NOTES:**

**POND A**  
 SURFACE AREA: 0.26 ACRES  
 VOLUME DETAINED: 1.42 AC.-FT.  
 DRAINAGE AREA: 40.36 ACRES  
 DAM HEIGHT: 17 FT  
 STREAM FLOODED: 177.12 LINEAR FT  
 STREAM IMPACTED BY DAM: 20 LINEAR FT

**POND B**  
 SURFACE AREA: 0.30 ACRES  
 VOLUME DETAINED: 1.84 AC.-FT.  
 DRAINAGE AREA: 33.14 ACRES  
 DAM HEIGHT: 17 FT.  
 STREAM FLOODED: 207.96 LINEAR FT  
 STREAM IMPACTED BY DAM: 20 LINEAR FT

**POND C**  
 SURFACE AREA: 0.54 ACRES  
 VOLUME DETAINED: 3.28 AC.-FT.  
 DRAINAGE AREA: 23.01 ACRES  
 DAM HEIGHT TO BERM: 17 FT.  
 STREAM FLOODED: 210.53 LINEAR FT  
 STREAM IMPACTED BY DAM: 20 LINEAR FT

TOTAL VOL. DETAINED: 6.54 AC.-FT.



PREPARED IN THE OFFICE OF:



**Kimley-Horn  
 and Associates, Inc.**

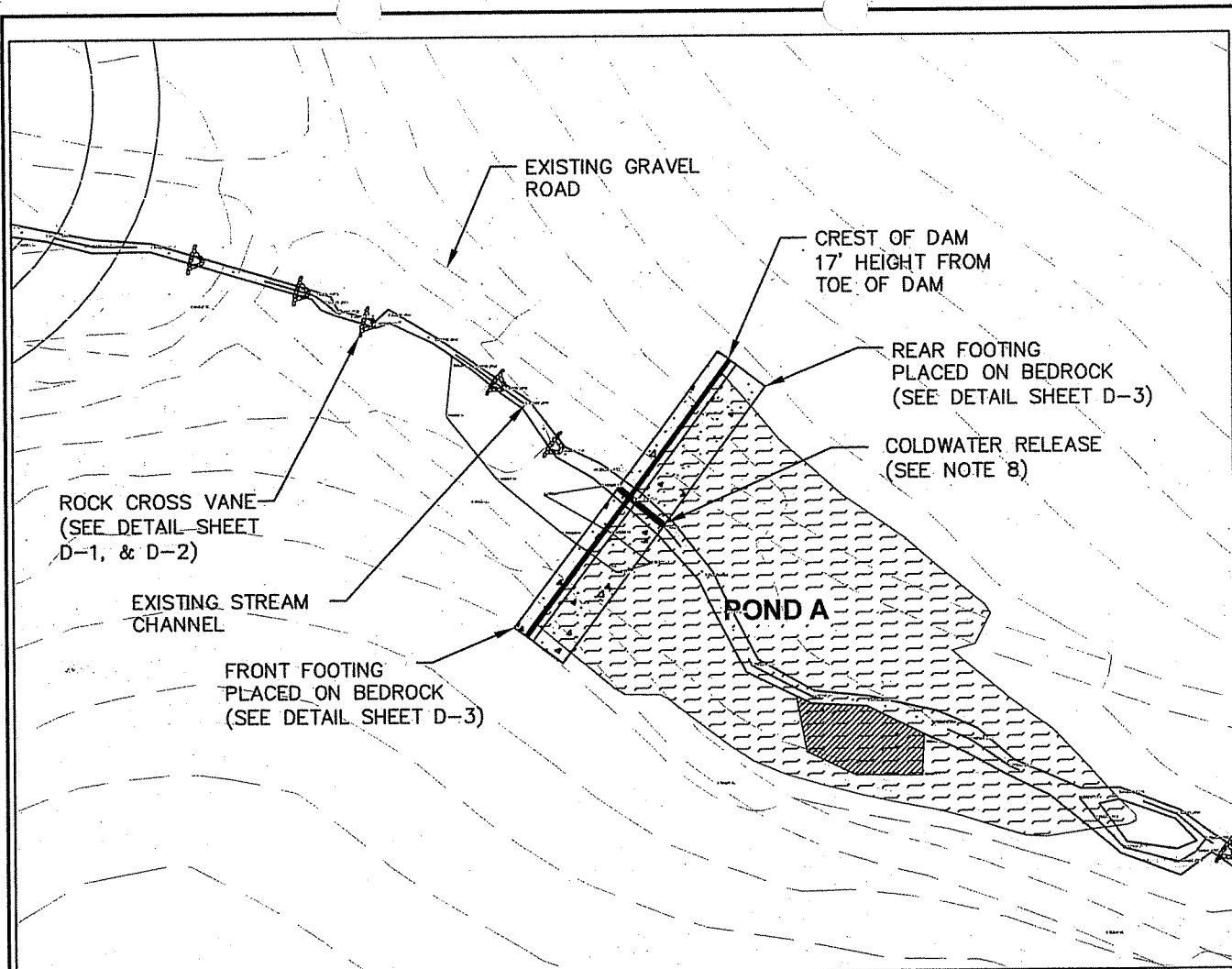
P.O. BOX 33068 — RALEIGH, NORTH CAROLINA 27636-3068  
 PHONE: (919) 677-2000 FAX: (919) 677-2050

**DAM CONCEPT PLAN  
 VERSANT - CONCRETE DAM EXHIBIT  
 FIGURE - OVERALL DAM PLAN  
 VERSANT PROPERTIES, INC.**

08-03-06

F-1

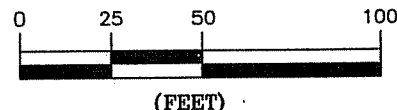
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20 LF OF STREAM IMPACTED BY THE DAM, 177 LF OF  
STREAM FLOODED AND 644 SF OF FLOODED WETLAND

**NOTES:**

1. SIZE AND FOOTPRINT SHOWN IN EXHIBIT ARE FOR A CONCRETE CANTILEVER DAM WITH BEDROCK ASSUMED TO BE AT A DEPTH OF 5 FEET.
2. THE FINAL DESIGN FOOTPRINT OF THE DAM WILL VARY DEPENDING ON THE ACTUAL DEPTH TO BEDROCK.
3. LOCATION OF DAM IS APPROXIMATE.
4. ROCK CROSS VANES TO ACT AS GRADE CONTROL STRUCTURES.
5. ROCK CROSS VANES TO BE CONSTRUCTED WITH MINIMAL IMPACT TO EXISTING VEGETATION.
6. REMOVE INVASIVE SPECIES FROM STREAM ENHANCEMENT AREA, BEFORE COMPLETING CONSTRUCTION.
7. EXISTING STREAM TO REMAIN UNDISTURBED BETWEEN ROCK CROSS VANE
8. COLD WATER RELEASE TO BE PROVIDED TO DRAW WATER FROM BELOW THERMOCLINE AND CARRY NORMAL FLOW



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and Associates, Inc.**

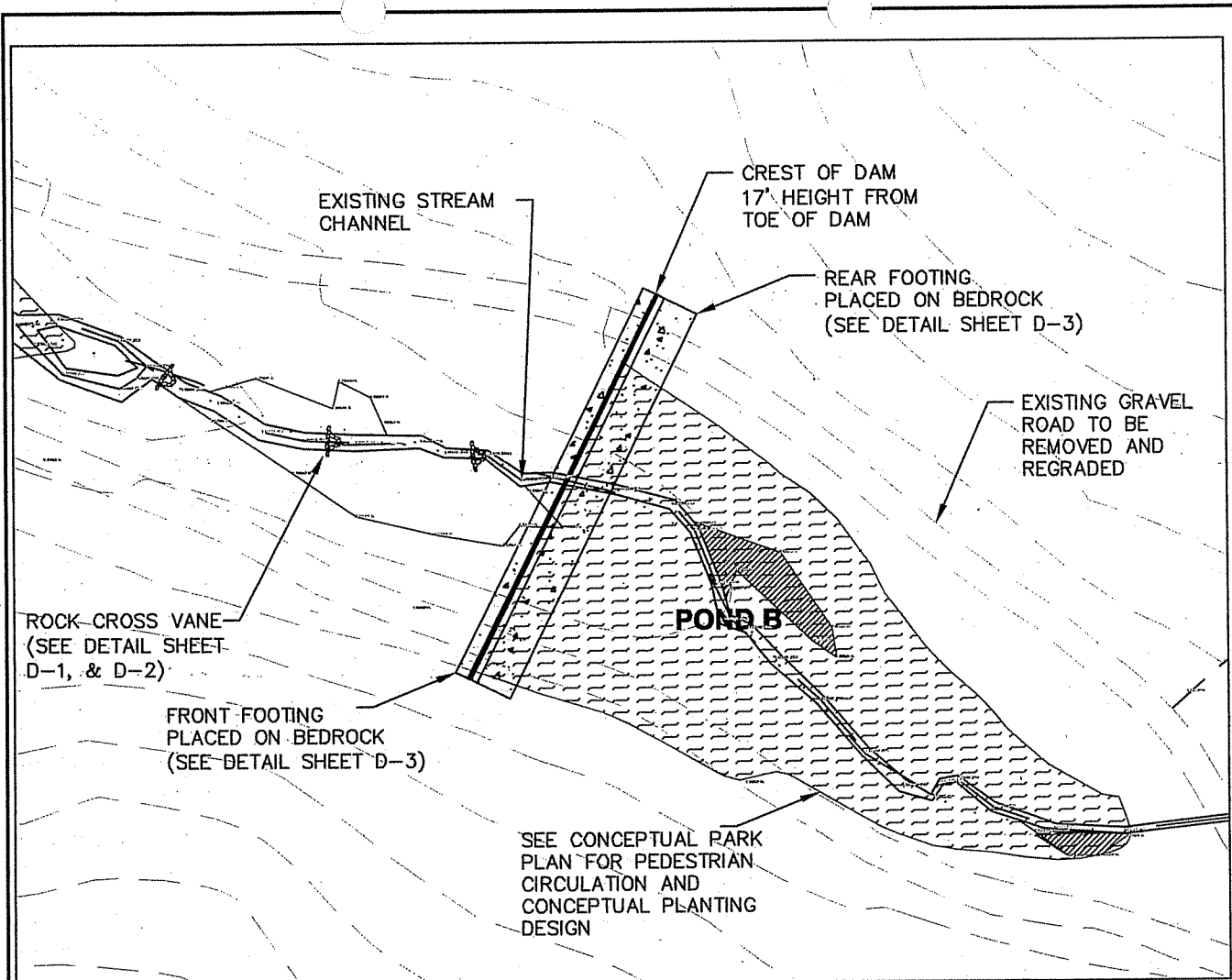
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PHONE: (919) 677-2000 FAX: (919) 677-2050

**DAM CONCEPT PLAN  
VERSANT - CONCRETE DAM EXHIBIT  
FIGURE - POND A  
VERSANT PROPERTIES, INC.**

08-03-06

F-2

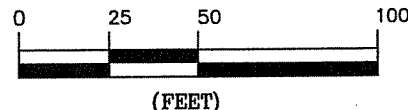
14 of 23



20 LF OF STREAM IMPACTED BY DAM, 208 LF OF STREAM FLOODED, AND 650 SF OF FLOODED WETLAND

**NOTES:**

1. SIZE AND FOOTPRINT SHOWN IN EXHIBIT ARE FOR A CONCRETE CANTILEVER DAM WITH BEDROCK ASSUMED TO BE AT A DEPTH OF 5 FEET.
2. THE FINAL DESIGN FOOTPRINT OF THE DAM WILL VARY DEPENDING ON THE ACTUAL DEPTH TO BEDROCK.
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6. REMOVE INVASIVE SPECIES FROM STREAM ENHANCEMENT AREA, BEFORE COMPLETING CONSTRUCTION.
7. EXISTING STREAM TO REMAIN UNDISTURBED BETWEEN ROCK CROSS VANE



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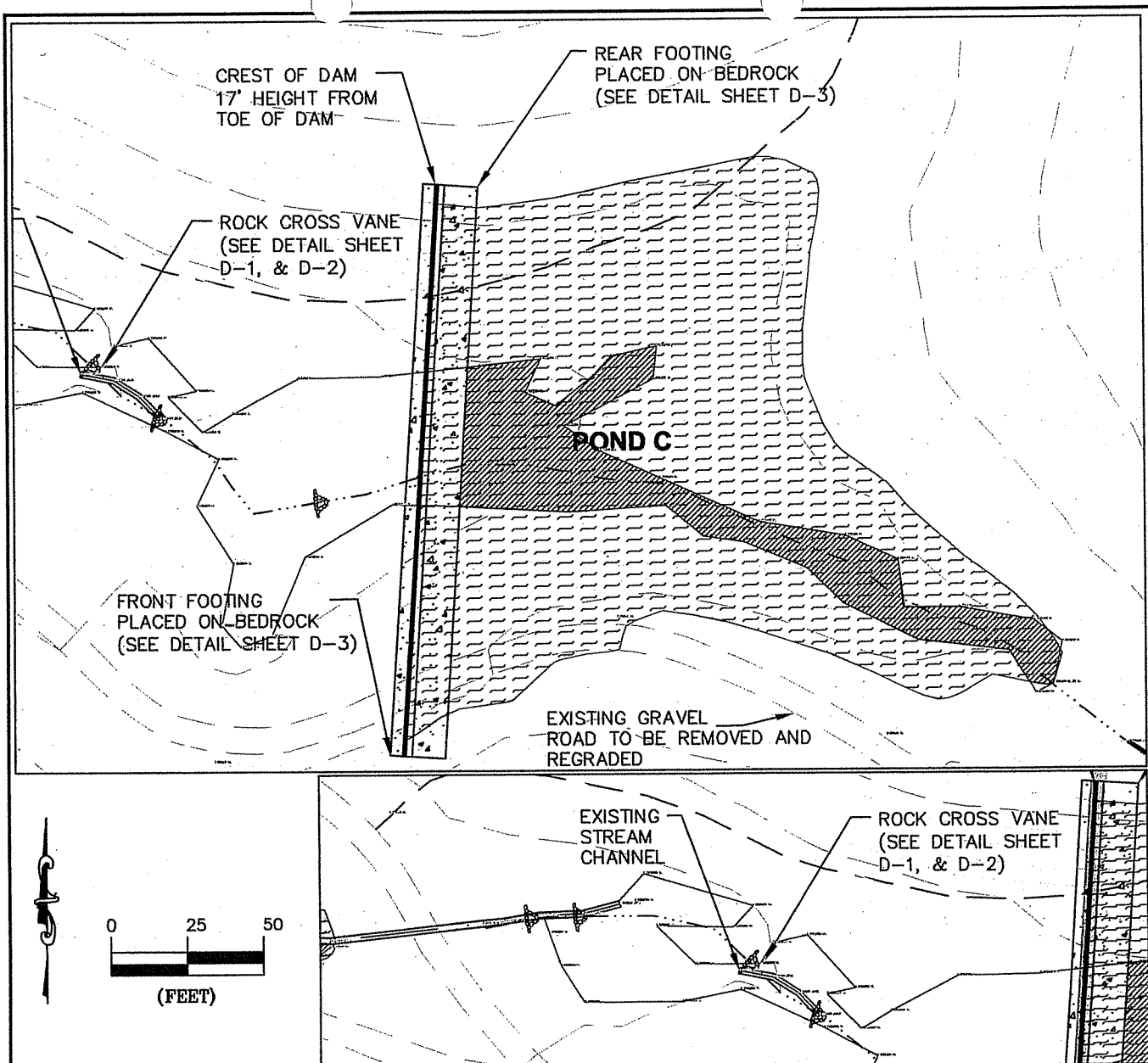
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PHONE: (919) 677-2000 FAX: (919) 677-2050

**DAM CONCEPT PLAN  
VERSANT - CONCRETE DAM EXHIBIT  
FIGURE - POND B  
VERSANT PROPERTIES, INC.**

08-03-06

F-3

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20 LF OF STREAM IMPACTED BY DAM AND 211 LF OF STREAM FLOODED, AND 4143 SF OF FLOODED WETLAND

**NOTES:**

1. SIZE AND FOOTPRINT SHOWN IN EXHIBIT ARE FOR A CONCRETE CANTILEVER DAM WITH BEDROCK ASSUMED TO BE AT A DEPTH OF 5 FEET.
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6. REMOVE INVASIVE SPECIES FROM STREAM ENHANCEMENT AREA, BEFORE COMPLETING CONSTRUCTION.
7. EXISTING STREAM TO REMAIN UNDISTURBED BETWEEN ROCK CROSS VANE

PREPARED IN THE OFFICE OF:



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and Associates, Inc.**

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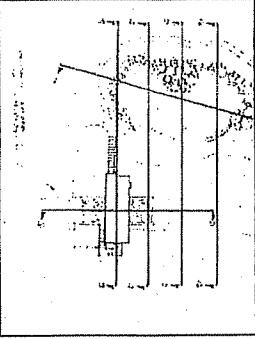
**DAM CONCEPT PLAN  
VERSANT - CONCRETE DAM EXHIBIT  
FIGURE - POND C  
VERSANT PROPERTIES, INC.**

08-03-06

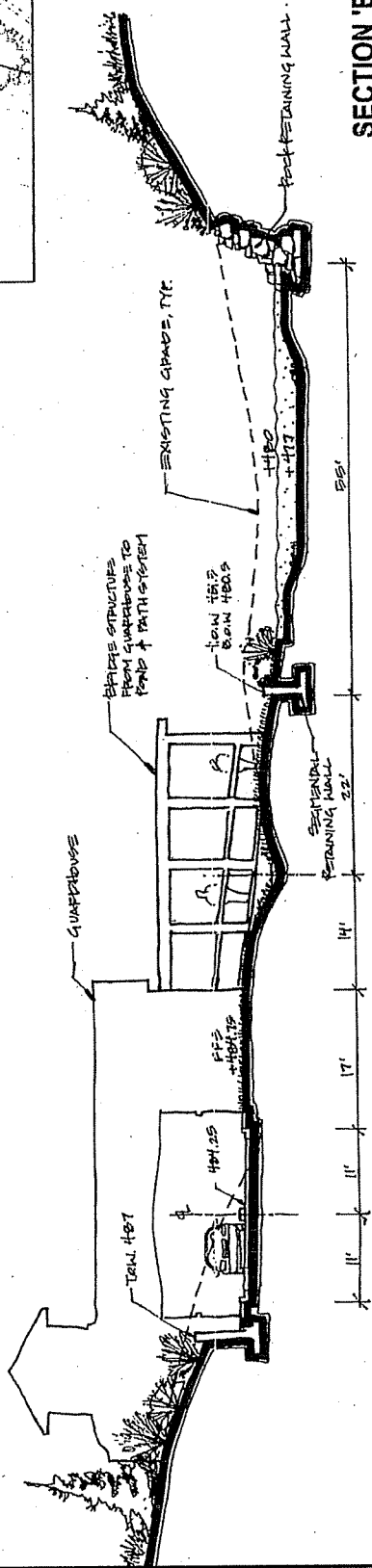
F-4

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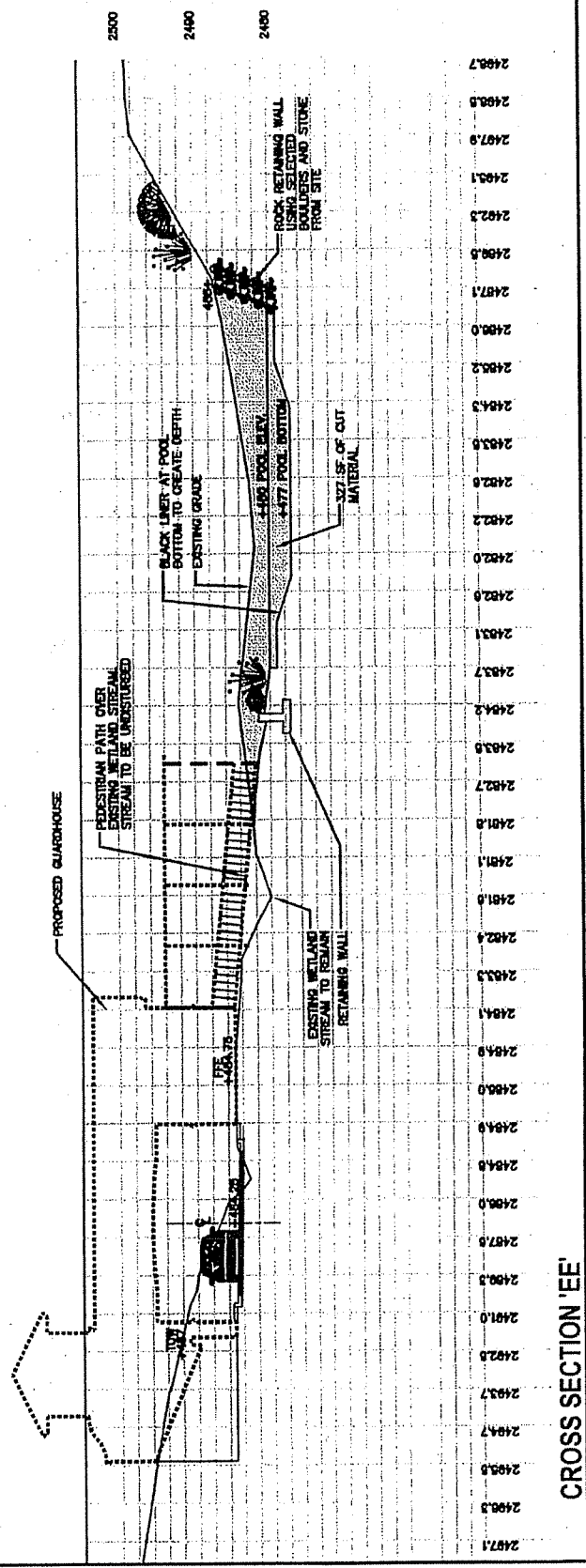
# SECTION KEY



## ILLUSTRATIVE CROSS SECTION



## SECTION 'EE'



## CROSS SECTION 'EE'



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## GUARDHOUSE AREA - CROSS SECTION 'EE'

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DEBARAN  
VERSANT PROPERTIES, INC.

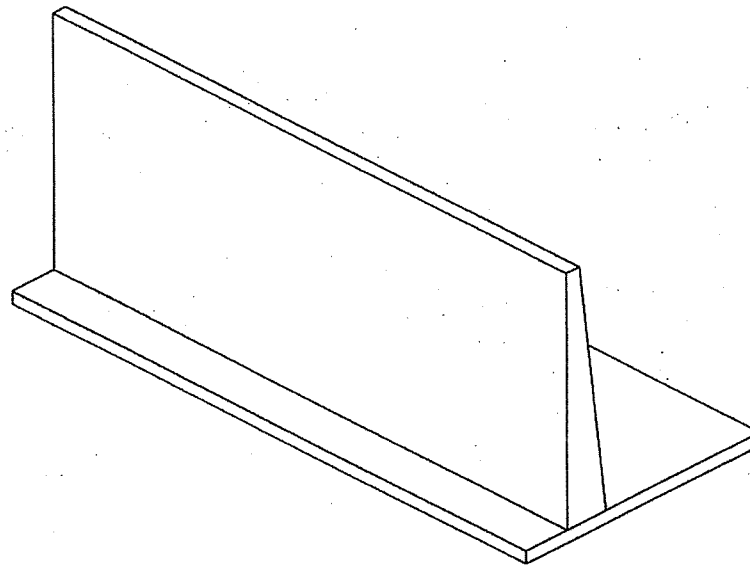
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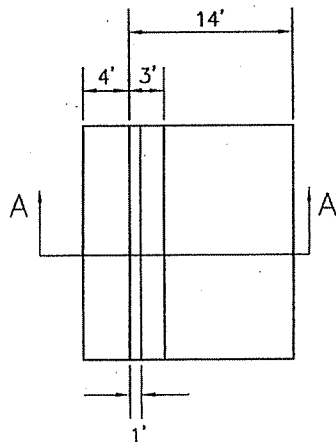
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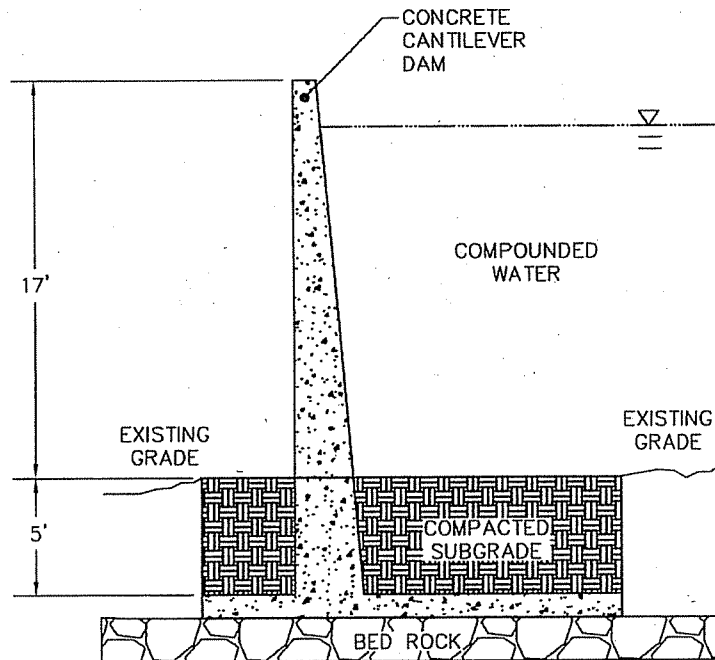
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**ISOMETRIC VIEW OF CANTILEVER CONCRETE DAM**  
N.T.S.



**PLAN VIEW OF CANTILEVER CONCRETE DAM**  
N.T.S.



**CROSS SECTION A-A**  
N.T.S.

PREPARED IN THE OFFICE OF:



**Kimley-Horn  
and Associates, Inc.**

P.O. BOX 33088 - RALEIGH, NORTH CAROLINA 27638-3088  
PHONE (919) 677-2000 FAX (919) 677-2050

**TYPICAL SECTION  
VERSANT - DAM CONCEPT DESIGN  
DETAILS**

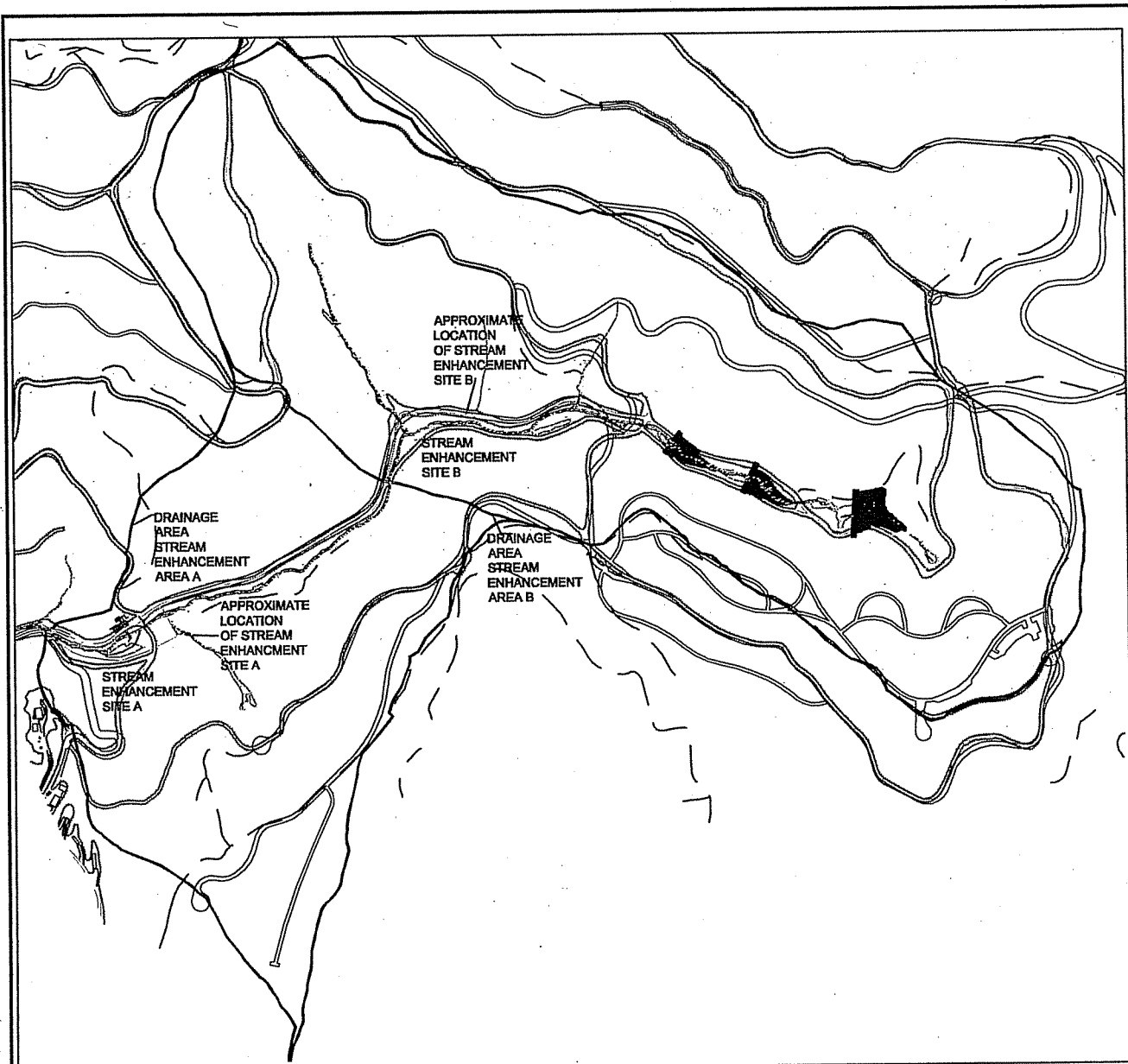
VERSANT PROPERTIES, INC.

08-03-06

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D-3

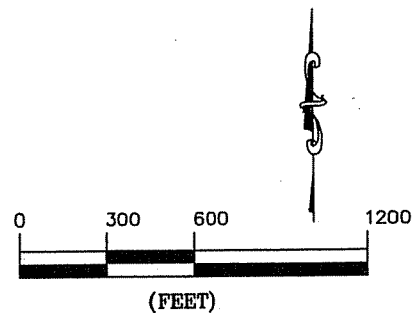
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**NOTES:**

**STREAM A**  
DRAINAGE AREA = 155.98 ACRES

**STREAM B**  
DRAINAGE AREA = 103.08 ACRES



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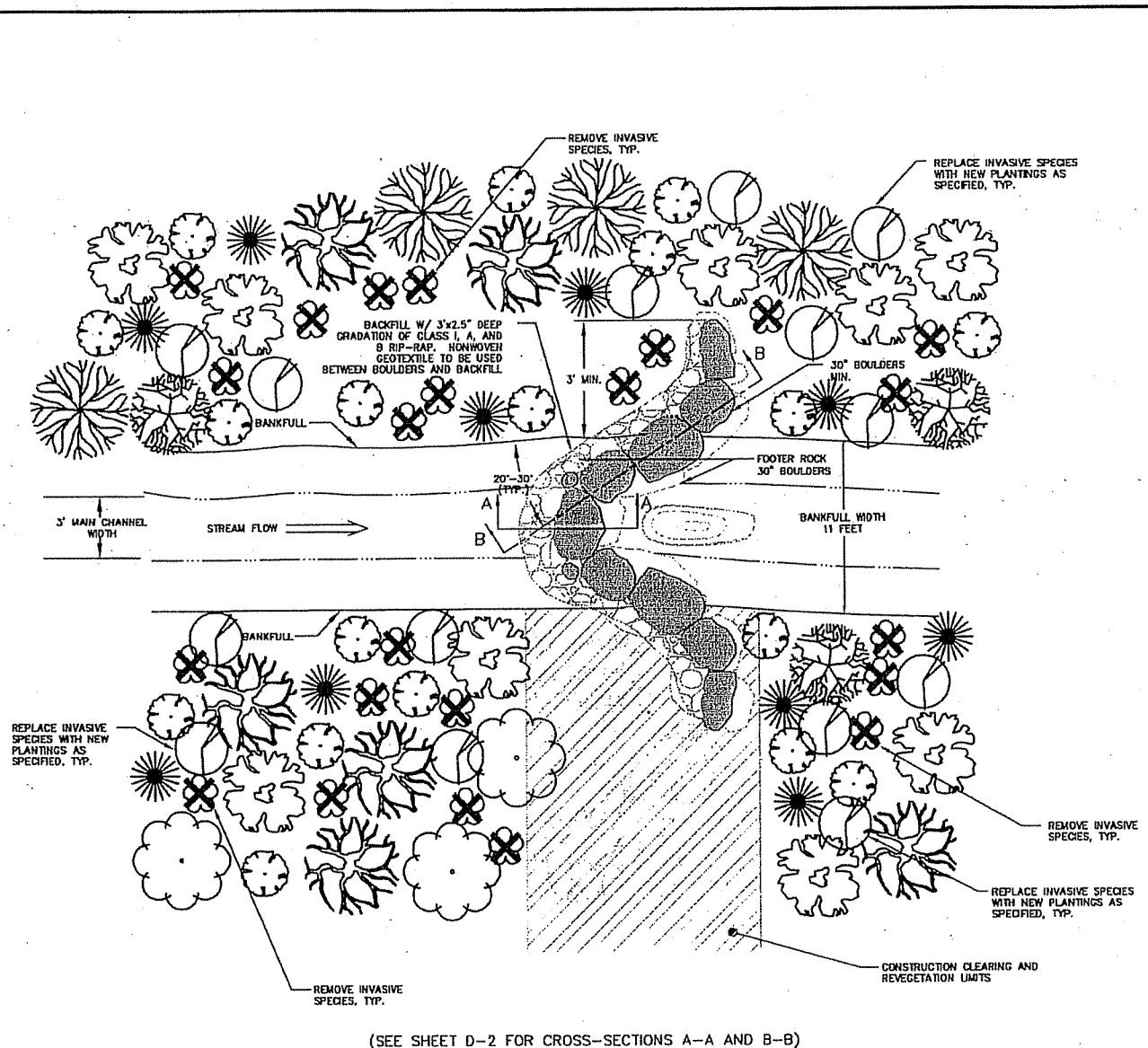
**STREAM ENHANCEMENT PLAN**  
**VERSANT - STREAM ENHANCEMENT EXHIBIT**  
**FIGURE - OVERALL ENHANCEMENT AREA**  
**VERSANT PROPERTIES, INC.**

08-03-06

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#### PLANTING NOTES:

1. REMOVE ALL INVASIVE SPECIES FROM FORESTED BUFFER ON BOTH SIDES OF THE BANK AS INSTRUCTED BY A LICENSED FORESTER.
2. REPLACE INVASIVE SPECIES WITH NEW UNDERSTORY AND SPECIFIED TREES. THE UNDERSTORY SHOULD CONSIST OF NATIVE RHODODENDRON AND LAUREL PLANTINGS. NEWLY PLANTED TREES WILL REQUIRE 10 FOOT SPACING FROM CENTER.
3. REPLANT ALL DISTURBED AREAS FOR CONSTRUCTION WITH NATIVE UNDERSTORY PLANTINGS AND NATIVE SPECIFIED TREE PLANTINGS.

#### PLAN VIEW

#### TYPICAL ROCK CROSS VANE AND PLANTING PLAN

N.T.S.

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and Associates, Inc.

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TYPICAL SECTION  
VERSANT - STREAM ENHANCEMENT  
DETAILS

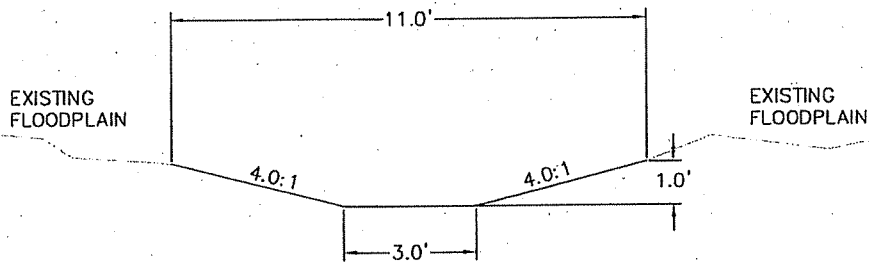
VERSANT PROPERTIES, INC.

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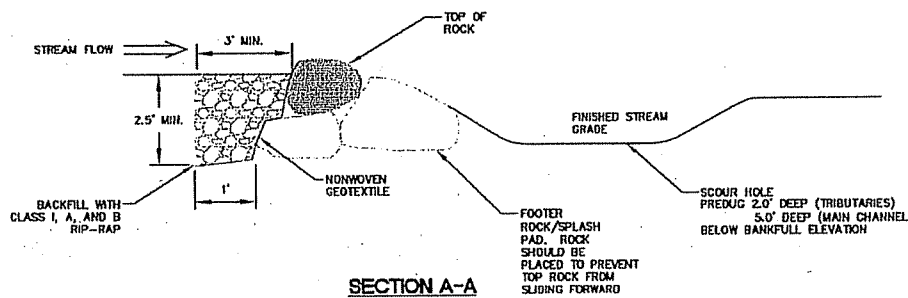
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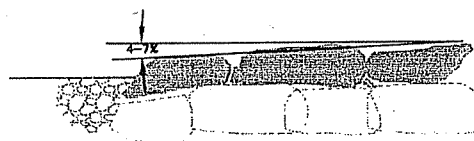
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TYPICAL CROSS-SECTION AT ROCK CROSS VANE



SECTION A-A



SECTION B-B

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TYPICAL SECTION  
VERSANT - STREAM ENHANCEMENT  
DETAILS

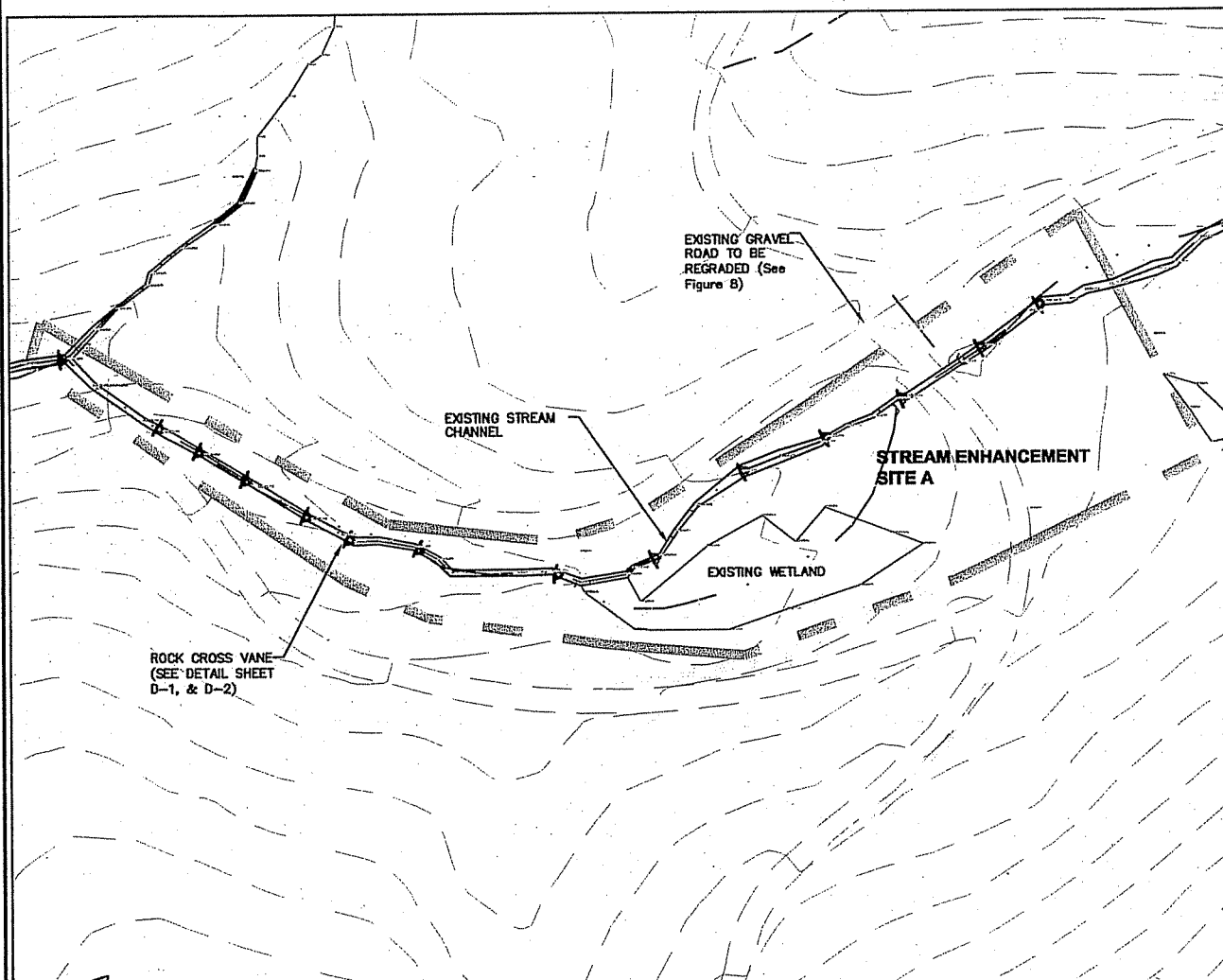
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D-2

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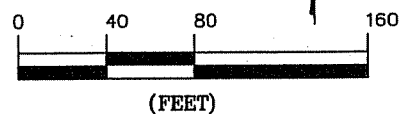


**NOTES:**

1. ROCK CROSS VANES TO ACT AS GRADE CONTROL STRUCTURES.
2. ROCK CROSS VANES TO BE CONSTRUCTED WITH MINIMAL IMPACT TO EXISTING VEGETATION.
3. REMOVE INVASIVE SPECIES FROM STREAM ENHANCEMENT AREA, BEFORE COMPLETING CONSTRUCTION.
4. EXISTING STREAM TO REMAIN UNDISTURBED BETWEEN ROCK CROSS VANE STRUCTURES.



PROPOSED ROCK  
A-VANE



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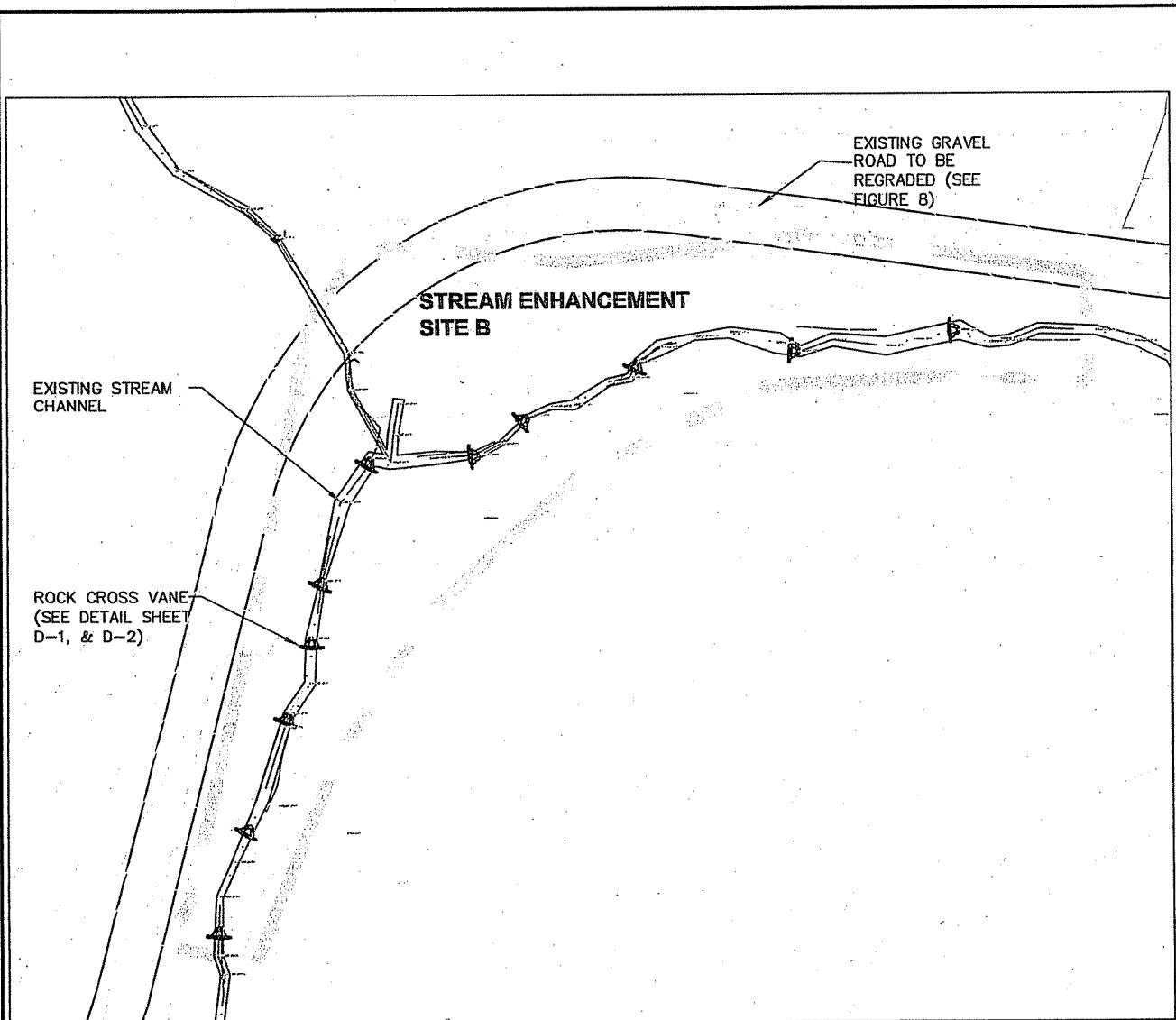


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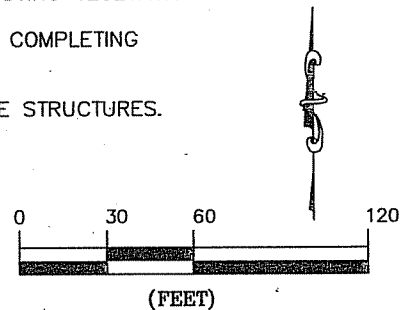
**STREAM ENHANCEMENT PLAN  
VERSANT - STREAM ENHANCEMENT EXHIBIT  
FIGURE - STREAM ENHANCEMENT AREA A  
VERSANT PROPERTIES, INC.**

08-03-06  
F-6



**NOTES:**

1. ROCK CROSS VANES TO ACT AS GRADE CONTROL STRUCTURES.
2. ROCK CROSS VANES TO BE CONSTRUCTED WITH MINIMAL IMPACT TO EXISTING VEGETATION.
3. REMOVE INVASIVE SPECIES FROM STREAM ENHANCEMENT AREA, BEFORE COMPLETING CONSTRUCTION.
4. EXISTING STREAM TO REMAIN UNDISTURBED BETWEEN ROCK CROSS VANE STRUCTURES.



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**STREAM ENHANCEMENT PLAN  
VERSANT - STREAM ENHANCEMENT EXHIBIT  
FIGURE - STREAM ENHANCEMENT AREA B  
VERSANT PROPERTIES, INC.**

08-03-06  
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